

100809

AN ORDINANCE

**APPOINTING OSCAR R. SANDOVAL AND REAPPOINTING CARLOS M. BALIDO, CARMEN P. LIMON, AND MARICELA TELLO TO THE BOARD OF DIRECTORS FOR REINVESTMENT ZONE NUMBER FIVE, CITY OF SAN ANTONIO, TEXAS, COMMONLY REFERRED TO AS THE NEW HORIZONS PROJECT, FOR TERMS OF OFFICE BEGINNING JANUARY 1, 2005, TO EXPIRE DECEMBER 31, 2006, IN ACCORDANCE WITH THE TEXAS TAX CODE, CHAPTER 311, THE TAX INCREMENT FINANCING ACT, AND THE CITY CODE, CHAPTER 2, ARTICLE VIII, ENTITLED "BOARDS AND COMMISSIONS"; PROVIDING FOR THE WAIVER FOR THESE TERMS ONLY OF SECTION 2-402 FOR EACH APPOINTEE AND SECTION 2-404(B) OF SAID ARTICLE FOR EACH REAPPOINTEE, AND OF SECTION 2-403(C) FOR MARICELA TELLO; AND APPOINTING MARICELA TELLO AS CHAIRPERSON FOR A ONE YEAR TERM BEGINNING JANUARY 1, 2006.**

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**WHEREAS**, the City of San Antonio ("City") received a petition by Nuevos Horizontes, the owner representing over 50% of the value of the property in an area commonly referred to as the New Horizons Project, requesting that the area be designated as a Tax Increment Financing Reinvestment Zone ("TIRZ") to help fund public improvements and promote economic development within the Zone; and

**WHEREAS**, pursuant to Ordinance Number 93100, passed and approved on December 14, 2000, City Council authorized the designation of the Stablewood Farms Project as Reinvestment Zone Number Ten, City of San Antonio, Texas ("Zone") and established a Board of Directors for the Zone (hereinafter "Board"); and

**WHEREAS**, the Board consists of nine members, in accordance with the Tax Increment Financing Act ("The Act"); five of whom are City appointees, one is a County appointee, one is a San Antonio Independent School District appointee, and two are the state legislators in whose districts the TIRZ lies, or their designees; and

**WHEREAS**, because the terms of all five City appointments to the Board have now expired, it is now necessary for City Council to fill the vacancies by appointing one and reappointing three Board members to the Board for two year terms beginning January 1, 2005, ending December 31, 2006, and to reappoint a chairman to the Board for a one-year term beginning on January 1, 2006, ending on December 31, 2006; and

**WHEREAS**, on December 16, 2004, City Council passed and approved Ordinance Number 100199, which amended Chapter 2 of the City Code of the City of San Antonio ("City Code"), by adding Article VIII, entitled "Boards and Commissions" which governs the creation and operation of all boards and commissions created by ordinance or resolution passed by the City Council; and

**WHEREAS**, staff advertised for applications for appointment to TIRZ boards in January 2005, and received four (4) applications for the New Horizons Board and all applicants meet the statutory requirements for eligibility for appointment; and

**WHEREAS**, it has been and continues to be the City's policy to subject all TIRZ Boards to the boards and commissions policies of the City, except as provided otherwise by state law; and

**WHEREAS**, due to the unique nature of TIRZ boards, and in an effort to comply with the amended City Code, staff requests that for these terms only, these appointees to this board be exempted from Section 2-402 of the City Code, regarding the process for at-large appointees to boards and commissions, and Maricela Tello be

exempted from Section 2-403(c), regarding the requirement that all board appointees be residents of the City; and

**WHEREAS**, the TIF Act requires individuals to be at least eighteen (18) years of age and owners or agents or employees of owners of real property in the TIRZ in order to be eligible for appointment to a TIRZ board designated before September 1, 2001; and

**WHEREAS**, Carlos M. Balido and Maricela Tello are owners of the New Horizons Project, and Carmen P. Limon and Oscar R. Sandoval are employees, and their presence on the Board is in compliance with the statutory requirements for a TIRZ board, therefore, a waiver by the City Council of Section 2-404(b) of the City Code is necessary for the three individuals to be eligible for reappointment to the board and for Maricela Tello to be reappointed as Chairman of the Board; **NOW THEREFORE:**

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SAN ANTONIO:**

**Section 1.** Oscar R. Sandoval is hereby appointed and Carlos M. Balido, Carmen P. Limon, and Maricela Tello are hereby reappointed to the Board of Directors for Reinvestment Zone Number Five, City of San Antonio, Texas, commonly referred to as the New Horizons Project, for two-year terms beginning January 1, 2005, and expiring December 31, 2006.

**Section 2.** The above appointees to the Tax Increment Reinvestment Zone Number Five Board of Directors are required to comply with all applicable City Code provisions, City ordinances, Charter provisions, state law and federal law including the requirement to submit an annual Financial Disclosure form, the Texas Open Meetings Act, Charter provisions on Holdover, and Chapter 2, Article VIII of the City Code, except that, for these terms of office only, City Code Section 2-402 (at-large appointment process) shall not apply to the above appointees, and Section 2-403(c) (residency requirement) shall not apply to Maricella Tello, and City Code Section 2-404(b) (term limits) shall not apply to Carlos M. Balido, Carmen P. Limon, and Maricela Tello.

**Section 3.** Maricela Tello is hereby appointed Chairman of the Board of Directors for the Zone, for a one-year term beginning on January 1, 2006 and expiring on December 31, 2006.

**Section 4.** It is hereby found that the above appointees are at least eighteen (18) years of age; and own real property in the Zone, or are an employee or agent of a person who owns real property in the Zone, and thereby meet the requirements of the Tax Increment Financing Act in effect at the time the Zone was created.

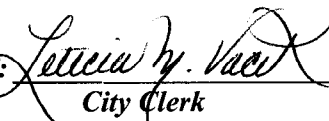
**Section 5.** This ordinance shall be effective on the tenth day after passage hereof.


**PASSED AND APPROVED this 5<sup>th</sup> day of May 2005.**



M A Y O R

EDWARD D. GARZA

ATTEST:   
City Clerk

APPROVED AS TO FORM:   
for City Attorney